

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No.5:17-CV-00295-FL

ELENA COLEMAN, on behalf of minor)
child N.C.,)

Plaintiff,)

v.)

WAKE COUNTY BOARD OF)
EDUCATION, and WAKE COUNTY)
PUBLIC SCHOOL SYSTEM,)

Defendants.

ORDER

This matter is before the court on defendants' motion to strike plaintiff's amended complaint. (DE 32). Also pending before the court is plaintiff's motion to amend. (DE 38).

It is well-established that courts must, as here, liberally construe *pro se* complaints, and "a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." Erickson v. Pardus, 551 U.S. 89, 94 (2007). However, notwithstanding this liberal construction, *pro se* plaintiffs must still adhere to the Federal Rules of Civil Procedure. See e.g., Plumhoff v. Cent. Mortg. Co., – F. Supp. 3d –, 2017 WL 6508942, *4 (D. Md. Dec. 20, 2017) (dismissing *pro se* plaintiff's complaint for failing to comply with the Federal Rules of Civil Procedure).

Pursuant to Federal Rule of Civil Procedure 8, a pleading must contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). "Each

allegation must be simple, concise, and direct.” Fed. R. Civ. P. 8(d)(1). Furthermore, “[a] party must state its claims or defenses in numbered paragraphs, each limited as far as practicable to a single set of circumstances.” Fed. R. Civ. P. Rule 10(b).

Plaintiff’s amended complaint fails to substantially comply with Rule 8 and Rule 10(b). Accordingly, the court GRANTS defendants’ motion to strike plaintiff’s amended complaint. However, under circumstances presented here, the court allows plaintiff to amend her complaint. To this extent, the court GRANTS plaintiff’s motion to amend.

Plaintiff is DIRECTED to file a second amended complaint that complies with Rule 8 and Rule 10(b) within 21 days date of this order. Plaintiff’s second amended complaint shall be divided into separate counts with each count specifying one claim for relief. Plaintiff shall state the nature of each claim for relief she asserts and the facts supporting each claim. Plaintiff must also specify what relief she seeks for each claim. Plaintiff is NOTICED that her failure to file second amended complaint as directed above within the appropriate time will result in dismissal of this action with prejudice, and the closing of this case.

SO ORDERED, this the 9th day of March, 2018.


LOUISE W. FLANAGAN
United States District Judge